

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/22/2025
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NANCY VARGAS,

Plaintiff,

-against-

CREDIT CONTROL, LLC, *et al.*,

Defendants.
-----X

**OPINION AND
ORDER**

24-CV-7885 (LGS) (HJR)

HENRY J. RICARDO, United States Magistrate Judge.

On October 7, 2024, plaintiff Nancy Vargas initiated this action by filing a complaint. Complaint, Dkt. No. 1. However, the filing on the docket does not include paragraphs 1–13, beginning instead at paragraph 14. *Id.*

On December 20, 2024, defendant Portfolio Recovery Associates, LLC, (“PRA”) moved under Rule 12(e) of the Federal Rules of Civil Procedure for a more definite statement. Dkt. No. 11. PRA argued that it could not properly respond to the complaint because of the missing paragraphs. Dkt. No. 12 at 3.

On January 21, 2025, the Court received a letter from Vargas explaining that paragraphs 1-13 do not appear in the complaint due to a scanning error and seeking guidance on how to remedy this omission. Dkt. No. 19.

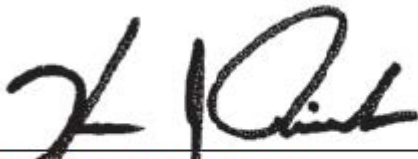
A Rule 12(e) motion is properly granted when the movant shows (1) that the motion is in response to a pleading to which a responsive pleading is allowed; (2) that the pleading “is so vague or ambiguous that the party cannot reasonably

prepare a response”; and (3) “the defects complained of and the details desired.” Fed. R. Civ. P. 12(e). PRA has made such a showing. Accordingly, Vargas is directed to file a complete amended complaint, which contains the missing paragraphs, by **January 31, 2025**.

The Clerk of Court is respectfully directed to close the motion at docket number 11 and to mail a copy of this order to the pro se plaintiff.

SO ORDERED.

Dated: January 22, 2025
New York, New York



Hon. Henry J. Ricardo
United States Magistrate Judge